



**ADUR DISTRICT
COUNCIL**

**Planning Committee
18 December 2017
Agenda Item 5
Ward: ALL**

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1508/17 Recommendation – Approve

Site: 89 Old Shoreham Road, Shoreham by Sea, West Sussex

Proposal: Retention of commercial use as workshop, storage and sales on ground floor with associated office on part of first floor; part conversion of remainder of first floor of existing building and first floor extension over existing ground floor at rear to provide 1no. 2-bedroom flat and 1no. 1-bedroom flat with balconies at front and rear and associated alterations. Erection of garage/storage space/cycle store on northern (rear) boundary of site. (Amended re-submission of AWDM/1090/17).

2

Application Number: AWDM/1661/17 Recommendation – Approve

Site: Sussex County Football Association, Culver Road, Lancing

Proposal: Installation of 4no. 50 sitting/standing sheltered stands to East side of pitch. Levelling of adjacent area to south of proposed stands for storage of goals when not in use.

3

Application Number: AWDM/1491/17 Recommendation – Approve

**Site: Foreshore North Of Adur Outdoor Activities Centre And East
And West Of River Adur
Brighton Road**

Proposal: Variation of condition 24 of AWDM/1614/15 relating to amended drawings for the design and construction of the Environment Agency's Shoreham Adur Tidal Walls Scheme at Riverbank Reach (Reach W5).

Application Number: AWDM/1508/17

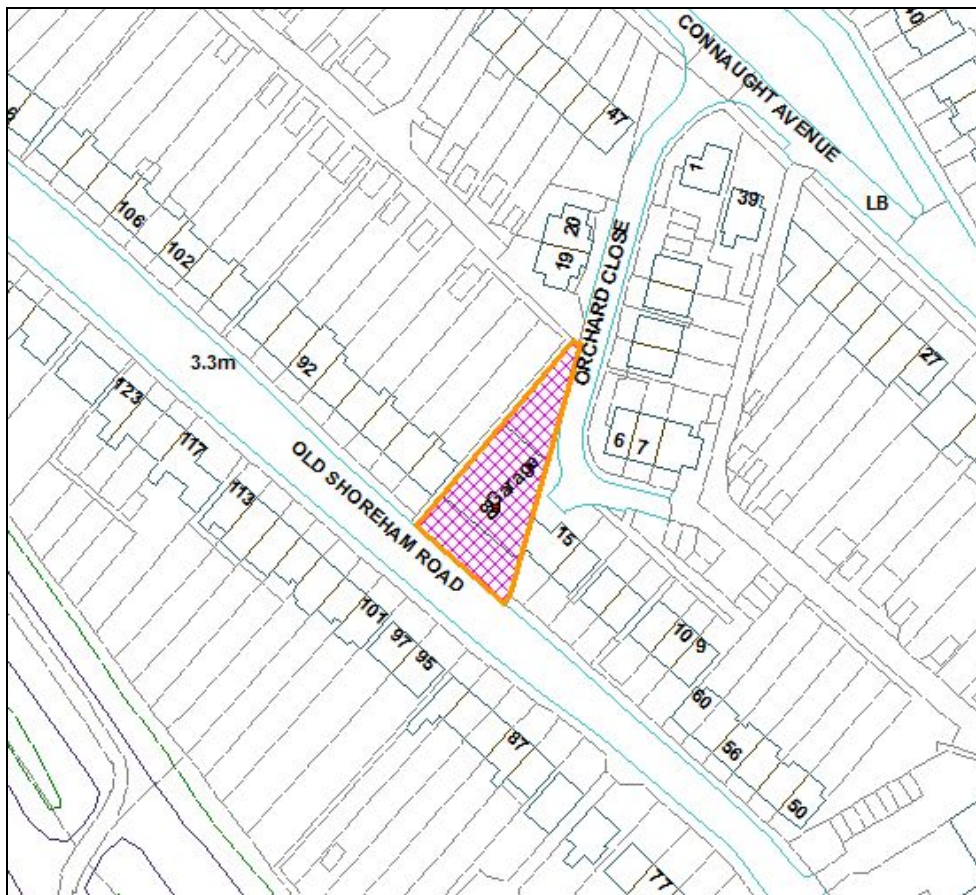
Recommendation – APPROVE

Site: 80 Old Shoreham Road, Shoreham-By-Sea

Proposal: Retention of commercial use as workshop, storage and sales on ground floor with associated office on part of first floor; part conversion of remainder of first floor of existing building and first floor extension over existing ground floor at rear to provide 1no. 2-bedroom flat and 1no. 1-bedroom flat with balconies at front and rear and associated alterations. Erection of garage/storage space/cycle store on northern (rear) boundary of site. (Amended re-submission of AWDM/1090/17).

Applicant: Mr Paul Craig
Case Officer: Peter Barnett

Ward: St Nicolas



Not to Scale

Proposal, Site and Surroundings

The application relates to a two-storey commercial building with a single-storey rear extension on the east side of A283 Old Shoreham Road. It was erected in 1988 (SU/153/86) as a workshop and offices and was last used by 'Dent Magician' as a car repair workshop with ancillary storage at first floor. There is an open yard at the rear accessed through the building.

The application proposes the change of use and conversion of part of the first floor to form 1no. one-bedroom flat with front balcony. At the rear, a pitched roof first floor extension is proposed to accommodate 1no. 2 bed flat with rear terrace. The flats will be accessed from a new entrance at the side of the building. Refuse and recycling storage is shown at the front of the building. Commercial use is to be retained on the ground floor with ancillary offices on the south east side of the building at first floor.

Also proposed is a single storey garage/store building at the northern end of the rear yard, accessed from the yard, with a cycle store behind, accessed from the footpath which runs along the northwest side of the building.

Off-street parking is to be provided in front of the building to be shared between the commercial use and the new flats.

The application follows refusal of an application earlier in the year for a larger proposal (AWDM/1090/17).

The application has been called in for consideration by the Planning Committee by Councillor Neil Parkin.

Relevant Planning History

SU/153/86 – Outline application for workshop and offices to replace existing – approved

SU/182/86 – Reserved Matters for workshop and offices to replace existing – approved

AWDM/0094/12 - Change of use and conversion of first-floor store/office space into 2 one-bedroom flats with front balconies – approved

AWDM/1090/17 – Retention of commercial use as workshop, storage and sales on ground floor with part conversion of first floor of existing building and first-floor extension over existing ground floor at rear to provide 3no. 1-bedroom flats with balconies at front and rear and associated alterations. Erection of commercial storage unit on northern boundary of site – refused

Consultations

West Sussex County Council: The Highway Officer has no objection subject to conditions requiring cycle parking and a CMP. The previous application (AWDM/1090/17) requested more information regarding the access onto Orchard Close. This re-submission does not include this proposal and it also has a reduced number of flats from 3 to 2. Cycle storage is included in the proposal and there is also parking for cars associated with the development at the front of the property. This will be shared use with the commercial units below.

8 car parking spaces are provided to the front of the property which faces out onto Old Shoreham Road with a 30mph speed limit. WSCC has consulted its car parking calculator and the expected parking demand for 2 flats with 1 allocated parking space would be 3 spaces, as per current parking standards.

The forecourt already exists with a dropped kerb in place, and no alterations or changes would be needed. Access to the commercial unit, which would be on the ground floor, would also be from this forecourt, via an enlarged roller shutter door. This also provides access to a rear courtyard.

Cycle storage is provided in the courtyard to hold a bicycle per flat and is accessible from the side alleyway.

Adur and Worthing Councils: The **Environmental Health** Officer has advised that the internal layout of the new scheme is much better. He asks that the following conditions are attached to any permission:

A scheme for protecting the proposed dwellings from traffic noise shall be submitted to and approved in writing by the by the Local Planning Authority. The scheme shall demonstrate good acoustic design and shall comply with the internal noise level guidelines set out in BS8233:2014 and shall have regard to the principles contained within the World Health Organisation community noise guidelines.

The use hereby permitted shall not commence unless and until an insulation scheme for protecting the upper floor residential units from noise has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors.

Following approval and completion of both schemes, a test shall be undertaken to demonstrate that the attenuation measures proposed in the schemes are effective and protect the residential units from noise.

The full contaminated land condition should also be imposed.

The **Environmental Health Officer (Private Sector Housing)** advises that the layout of each of the flats means that the only means of escape in the case of fire for the bedrooms is through an area open to a high fire risk room and so they are inner rooms.

The layouts of the flats will need to be reconfigured to ensure that the inner rooms are removed [NB this will be dealt as part of the subsequent Building Regulations application].

The **Drainage Engineer** requests a condition requiring submission of surface water details.

Southern Water: Request informatives

Environment Agency: No objections. The site is located within tidal Flood Zone 3 of our Flood Map. This indicates land with a high probability (1 in 200 year) of flooding from the sea, in accordance with the national Planning Practice Guidance (PPG) (ref. 7-065-20140306).

The FRA confirms that floor levels for the proposed flats will be set at 7.12m AOD and 7.53m AOD, which are above the 1 in 200 year tidal flood risk level plus an allowance for climate change of 5.4m AOD.

This indicates that internal inundation of the residential units would not be expected during the design flood event over the lifetime of the development.

We recommend that the owner/ occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan. Although internal inundation of the flats would not be expected during the design flood event, there is the possibility of significant depths surrounding the building.

Therefore safe access and egress is unlikely to be possible during the design flood event over the lifetime of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities (LPAs) to formally consider the emergency planning and rescue implications of new development in making their decisions.

The PPG states that LPAs should consult their emergency planning staff to ensure evacuation plans are suitable through appropriate planning conditions. We therefore recommend seeking comments from the relevant emergency planners on the adequacy of the first floor units as safe refuge during a flood event [NB Adur and Worthing Council's Emergency Planning Officer has subsequently confirmed that 1st floor refuge during a flood event is sufficient in this case].

Representations

Three letters of objection received from the occupiers of 9, 15, 19 Orchard Close:

- Detrimental to the area
- Increased noise, disturbance and loss of privacy
- Proposed extension is higher than previous refused scheme
- Un-neighbourly and overbearing
- Unsympathetic design harmful to visual amenities of locality

- Increased fire risk
- Increased traffic and traffic fumes
- Shoreham is in danger of being seriously overdeveloped
- Lack of infrastructure to cope with all the new developments

Relevant Planning Policies and Guidance

Adur District Local Plan (saved policies): AG1, AH2, AH5
Submission Adur Local Plan (2016) Policies 15, 21, 37
National Planning Policy Framework (NPPF) (March 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The site is not identified for any particular use or development in the Local Plan and there are no policies protecting the existing business floorspace. Being within the built-up area and surrounded by residential development, the proposed residential use is acceptable in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the building and its surroundings.

Visual amenity

The application property is a modern building built of brick and rendered walls with a tiled roof. The proposal will result in minor alterations to the front elevation of the building with the main change being the removal of the shutter door at first floor and its replacement with French doors and a small balcony.

At the rear, a first floor extension is proposed over the existing flat-roofed ground floor extension. It will be pitch-roofed with a gable end to the north east side. It will measure 8.5m long, 8.9m wide and 3.7m high. A 2m deep terrace is proposed at the NE end. The extension will be set in from the NW edge of the ground floor extension by 2.4m. It will contain two windows on each side set partly within the roof slope. These are to be obscure glazed below 1.7m above the floor level on the NW side of the building. Clear glazed windows are proposed in the north east side with bi-folding doors proposed at the rear (NE elevation) leading to the terrace. New rooflights are

proposed within the existing building as well as a reconfiguration of existing first floor windows at the rear.

The design, form, scale and appearance of the proposed rear extension are considered to be a significant improvement on the previous proposal. The proposed extension has a more sympathetic form and scale and does not appear overly dominant. It will not be visible from Old Shoreham Road but will be prominent in views from Orchard Close and the public footpath on the NW side. However, the proposal is considered to have an acceptable visual impact on the area.

Residential amenity - existing occupiers

The proposed extension is shorter than that previously proposed but it will be higher as a result of the addition of a pitched roof. However it will also be set further off the edge of the existing ground floor extension and as a result it will be less overbearing on the adjoining house to the NW (No. 82). That dwelling is an end of terrace property which is separated from the site by a narrow footpath which runs from Old Shoreham Road to the rear of the houses in Old Shoreham Road and Connaught Avenue. While the rear extension will project beyond the rear of No.82 for a considerable distance, it is considered that the revised design and distance away from the boundary makes it a more acceptable proposal in terms of its impact on light and outlook for the occupiers of No.82.

The proposed windows on the NW side would be obscure glazed below 1.7m and the rear balconies would have 1.8m high privacy screens. No loss of privacy is anticipated towards No.82 as a result. Clear glazing is proposed to the rear and SE sides but these face towards the road (Orchard Close) and across the front of houses in Orchard Close and will not cause any adverse overlooking.

The front balconies, which will face over the forecourt and Old Shoreham Road towards the dwellings on the opposite side of the road, some 22m away. This is not considered to result in any adverse overlooking or loss of privacy.

The proposed store building would be sited in the NW corner of the rear yard and will not be accessed from Orchard Close. A cycle store would be attached to the rear of the store. While the store building would be close to the boundary with 19 Orchard Close, there is considered to be adequate separation from the side of that dwelling to avoid any adverse impact on their residential amenities.

Residential amenity – proposed occupiers

The use of the building is restricted to light industrial purposes (now Use Class B1) by condition 5 of SU/153/86 in order that it does not result in detriment to residential amenity by reason of noise, odour, dust, etc. Other conditions prevent paint-spraying and require doors to be kept closed and adequate sound insulation was required in its construction but there is no condition restricting hours of working. The Council's EHO has advised that the siting of the flats, as proposed, above the existing workshop is acceptable in principle but requires by condition the submission of an acoustic

assessment to ensure that the flat facing the Old Shoreham Road is adequately protected from traffic noise. The acoustic report should also ensure that all flats are protected from any commercial noise from the use below. This can be required by condition.

The proposed flats have floor areas of 70sqm and 62sqm which is acceptable and which meets the National Standards. Both will have small outdoor amenity areas in the form of balconies. There is a slight concern at the lack of complete clear glazing to the bedroom window of the rear flat on the NW side of the building but it will have an outlook via the clear glazed opening fan light and, on balance, it is considered that the standard of accommodation is acceptable.

The comments of the Private Sector Housing Manager are noted but the layout can be reconfigured at the time of any subsequent Building Regulations application.

Accessibility and parking

Parking for the flats and commercial use is provided on the existing forecourt at the front of the site, with cycle parking at the rear. West Sussex Highways have no objection to this arrangement and it is considered that sufficient parking will be provided on the forecourt. Furthermore, the site is located in a sustainable location close to local amenities, the town centre and other travel options such as bus and rail routes which reduce the need for car usage. There is no on-site turning facility but this access arrangement already exists at present with the former Dent Magician workshop and there is no reason to consider that this proposal will result in any severe risk to highway safety.

For the above reasons, it is not considered that an objection on parking or highway safety grounds is justified.

Flood Risk

The site lies within Flood Zone 3a. A Flood Risk Assessment was submitted with the application which stated that all of the proposed residential units would be on the upper floor with a minimum floor height of 3.34m. Current work on the Adur Tidal Walls flood defence scheme should offer further protection to the development and the applicant has advised that the proposed flats would not be occupied before the flood defences have been completed.

The Environment Agency has not objected to the proposal.

Recommendation

APPROVE, subject to the following conditions:

1. Approved Plans
2. Standard time limit
3. Materials

4. Cycle Parking
5. Refuse provision
6. CMP
7. Surface water drainage
8. Balcony screen to be provided before use
9. To be constructed in accordance with FRA
10. A scheme for protecting the proposed dwellings from traffic noise shall be submitted to and approved in writing by the by the Local Planning Authority. The scheme shall demonstrate good acoustic design and shall comply with the internal noise level guidelines set out in BS8233:2014 and shall have regard to the principles contained within the World Health Organisation community noise guidelines. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise.
11. The use hereby permitted shall not commence unless and until an insulation scheme for protecting the upper floor residential units from noise from the ground floor commercial use has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise.
12. Full contaminated land

Application Number: AWDM/1661/17

Recommendation – APPROVE

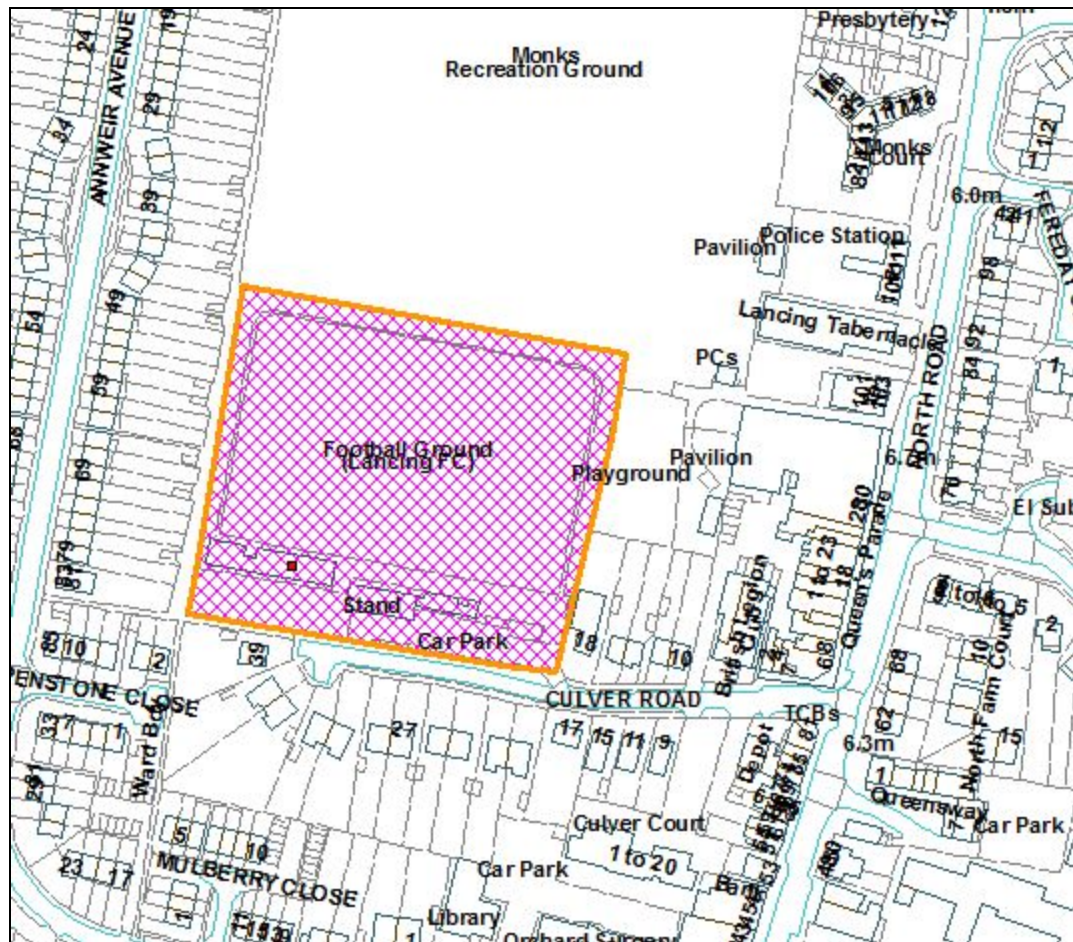
Site: **Sussex County Football Association, Culver Road Lancing**

Proposal: **Installation of 4no. 50 sitting/standing sheltered stands to East side of pitch. Levelling of adjacent area to south of proposed stands for storage of goals when not in use.**

Applicant: **Sussex County Football Association**

Ward: **Mash Barn**

Case Officer: **Peter Barnett**



Not to Scale

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Proposal, Site and Surroundings

The application relates to the Lancing FC football ground and headquarters of the Sussex County FA in Culver Road. It is proposed to level a grass bank behind the

eastern end of the pitch and to install 4 no. stands, each accommodating up to 50 people. The stands will have 4 tiered rows with seats in two of the stands and standing only in the other two. The stands will be covered with an angled roof sloping down front to back with a maximum height of 3.7m. They will have a screen at the rear. Each stand is 6.7m wide, with a total width of 26.8m. The existing ball stop netting on the boundary behind the goal is to remain.

To the south of the proposed stands the grass bank is to be levelled and hardstanding laid to provide a storage area for the goals when not in use, cordoned off by a chainlink fence.

Relevant Planning History

AWDM/0457/15 - Replace existing grassed football pitch with new artificial grass pitch – approved.

Consultations

West Sussex County Council: The **Highway** Officer has no objection. Given the improvements are not in response to an increase in visitor numbers to the ground WSCC do not consider the works to cause any long term impacts.

During the installation there may need to be some consideration of timings for deliveries and construction traffic. As such WSCC would expect the applicant to provide a CMP to the LPA prior to any works commencing on-site to ensure the appropriate measures are in place for the duration of the installation.

Adur & Worthing Councils: The **Environmental Health** Officer has no objection. He advises that the applicants are not adding to the capacity, they are just providing a small facility to improve the experience for the existing spectators. Nothing significant is changing that would warrant a noise assessment.

Sport England: No objection

Lancing Parish Council: No objection

Representations

One letter of objection received from the occupiers of 63 Annweir Avenue:

- Will lead to substantial increase in excessive noise
- Every previous development at the ground has led to increased noise
- 200 shouting spectators will have their voices magnified by the stands
- Loud music and public speaker system directly affect residents
- Function room regularly leads to loud voices and music until late at night
- Further development should be discouraged and the club should be encouraged to move to a more suitable site away from residential homes

One letter received from the occupier of 49 Annweir Avenue asking what opportunity is being taken to improve accessibility for people with disabilities.

Relevant Planning Policies and Guidance

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AR7
Submission Adur Local Plan (2016) Policy 15, 33
National Planning Policy Framework (March 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

Saved policy AR7 supports the extension of existing recreational facilities subject to a number of criteria including the development being of a scale and character appropriate for the locality, local environmental considerations including the effects on the residential amenity of nearby dwellings and on-site parking arrangements.

Policy 33 of the Submission Adur Local Plan states that proposals for built sports facilities and formal sports provision will be supported where they are in accordance with policies in the plan. The Plan was due to be formally adopted by the Council on 14 December.

Visual amenity

The proposed stands will not be prominent in views outside of the football ground. There is a play area and recreation ground to the east and north of the site and, while the stands will be visible, they will be partly screened by existing boundary walls. The football ground is an enclosed site with an existing stand on its south side and the proposal will not appear out of keeping or visually intrusive.

Residential amenity

The stands are to be at the eastern end of the pitch, adjacent to a play area and at the opposite end of the site to the dwellings in Annweir Avenue to the west. The rear

garden of 18 Culver Road abuts the southern end of the stand and goal storage area but there is existing vegetation within that garden which will act as an effective screen.

With regard to objections relating to noise, the Club has explained that the aim of the proposal is to improve facilities for existing spectators who already use that end of the pitch and that no increase in the number of spectators or noise is expected. The proposed stands, being partially enclosed, could even reduce noise in their view.

The Environmental Health Officer has no objection to the proposal and does not anticipate any increase in noise as a result of this proposal.

Accessibility and parking

As stated earlier, the proposal is not anticipated to result in a material increase in the number of spectators and, consequently, there should not be a parking or highway safety implication arising from the new stand. West Sussex Highways have no objection subject to consideration of timings for deliveries and construction traffic which can be dealt with by condition.

With regard to a query about disabled access provision, the applicants have advised that while the new stand does not have provision for wheelchair users, the football ground currently has 225 existing seats, 16 of which are designated as disabled seating. There is also space for a minimum of 12 wheelchairs. It is considered that this is satisfactory provision overall.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Construction Management Plan

18th December 2017

Application Number: AWDM/1491/17

Recommendation – APPROVE

Site: Adur Tidal Walls Scheme Reach W5: Land to East of A259 Brighton Road bridge and to North of Beach Green/Riverside Road

Proposal: Variation of condition 24 of AWDM/1614/15 relating to amended drawings for the design and construction of the Environment Agency's Shoreham Adur Tidal Walls Scheme at Riverbank Reach (Reach W5).

Applicant: Mr Graeme McClure
Case Officer: Gary Peck

Ward: Marine



Not to Scale

Proposal, Site and Surroundings

This application seeks amendments to the previously approved Adur Tidal Walls Scheme in relation to reach W5 (The Riverside reach) which extends from Brighton Road to the west to the junction of Beach Green and Riverside Road to the west.

The amendments include changes to offset the alignment of the steel sheet-pile wall by 514mm to the landward side of the existing concrete footpath between the A259 road bridge and Riverside; increase width of overall wall structure from 440mm to 865mm; planters (indicative) on top of the wall; and minor enlargement of planning application red line boundary within Beach Green to accommodate the construction compound.

It is proposed that piling will be undertaken adjacent to the existing footpath on the landward side, whereas the original design involved the construction of the wall within the footprint of the existing footpath. As such, piling will now be able to take place without the removal of the existing concrete footpath and without any intrusive works undertaken on the river-side of the footpath, which would impact on the houseboat access structures and limit access during the construction.

The top level of the flood protection wall will remain the same height as the original solution; however, the steel sheet piles will have to extend a further 600mm in height, within the section of the flood protection wall, to enable Giken construction. The wall will be brick clad.

As well as the submitted drawings, an Addendum to the previous Environmental Statement has been submitted

The application site stretches from Brighton Road (A259) in the east to Beach Green/Riverside Road in the west. The application site partially encompasses the area of houseboats along this part of the Adur estuary. Immediately to the south of the application site are the gardens of residential properties on Ormonde Way, Beach Green and River Close.

The reach is adjacent to the Adur Estuary Site of Special Scientific Interest (SSSI). The Shoreham by Sea Conservation Area is to the north of the application site.

Relevant Planning History

AWDM/1614/15 - Improvements to 1.8km of tidal defences on the east bank between Coronation Green and the A27 road bridge and 5.4km of defences on the west bank between Shoreham Old Fort and Shoreham Toll Bridge. Proposed development (referred to as the Shoreham Adur Tidal Walls scheme) consists of seven reaches on the west bank (designated W1 - W7 inclusive) and three reaches on the east bank (designated E1 - E3 inclusive). The proposed defences include steel sheet piling, concrete walls, flood glass and earth embankments. Additional works to include a section of road raising, scour protection in the form of rock revetment, matting, planted

terraces and gabions and the creation of 1.3 ha of intertidal salt marsh in reach W7 and landscape improvements at Town Quay and the Shoreham Old Fort car park. The application is accompanied by an Environmental Impact Assessment. Permission granted in June 2016

3 subsequent non material amendment applications have been granted but these were for other reaches and therefore do not affect this application.

Consultations

Technical Services

We have no objection to the details provided; however we have voiced our concerns to the changes proposed both in number and length of the access steps.

We have suggested that none of the access steps should start / cross onto ADC land.

This approach is supported by parks, parking services and Estates.

(Note the access steps are not part of this application)

Environmental Health

Full contamination condition can be imposed if appropriate.

Representations

4 letters of objection and 2 letters of comments have been received on the following grounds:

- Support the wall but bare concrete will now face the houses in Ormonde Way and it should be clad as on the riverside of the wall
- Unacceptable that the appearance of the construction is anything less than fitting with the local architecture
- The relocation of the wall may increase the risk of landslide
- Landscaping of the bank will now be the responsibility of the houseboat owners instead by the EA as previously indicated
- Object to loss of access to the towpath by the removal and non-replacement of existing steps. Major changes are taking place without consultation
- In respect of the tie in between reaches W4 and W5 stating that a ramp will be situated on privately owned land and storage has already been taking place on a garage compound.

The agent has responded to the objection and comment letters:

We have reviewed the objection letters and have the following comments to make, which should hopefully assist with your assessment and determination of the s73 planning application.

Objection from 5 Riverside

This resident lives within reach W4 and predominantly appears to be concerned with works within their garage/compound area, which is at the tie in between reach W5 and reach W4. I can confirm that this current s73 application for reach W5 does not propose any amendments or new works within this area. I have asked the EA and TVO to respond separately on points 4, 5 and 6 of the letter (these matters relate to consultation, future maintenance and programme).

Objections from 9 & 11 Ormonde Way

The main concerns appear to relate to the appearance of the wall structure and interpretation of the drawings.

I can confirm that the wall will be clad with yellow brick panels, down to a level of +3.90 OD. Below that, there is a 195mm deep strip of concrete, down to a level of +3.75. Below that, where the existing embankment is lower, the weathered steel colour of the sheet piles will be visible. The height of this varies in different areas along reach W5, depending on the embankment levels and its irregularities.

Steel sheet piles will be visible along a proportion of 25%-30% of W5, with exposure heights ranging between 0mm and 500mm. Generally, in most areas the exposure is in the order of 250mm – 350mm. The maximum exposure of 500mm, is localised, and is encountered along the stretch of the Beach Green Car Park (currently the TVO compound). Exposure is generally in the order of 400mm along this section.

Please see attached visual aid (for information only), that demonstrates the elevation of the wall to the rear of 9-11 Ormonde Way, its neighbouring properties (13-15 Ormonde Street), and along the Beach Green Car Park, where the maximum exposure is encountered. I hope this will assist in your consideration of the points raised by these residents.

16 & 17 River Close

I note that there have been two additional objection letters submitted yesterday and today. As you will be aware, this current s73 planning application does not include details of the stairs. Discussions regarding stairs with stakeholders and stair design are ongoing and such details will be submitted as part of a second s73 planning application, which will be submitted in due course (I think these letters were triggered by a meeting between residents and the contractor which took place on site yesterday).

Relevant Planning Policies and Guidance

Submission Adur Local Plan as modified in accordance with the Inspector's recommendations: Relevant policies include 2 (Spatial Strategy), 4 (Economic Growth), 7 (Shoreham Airport), 8 (Shoreham Harbour), 11 (Shoreham-by-Sea), 16 (Strategic approach to the Historic Environment), 17 (The Historic Environment), 37 (Flood Risk and Sustainable Development).

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The main issue in the determination of the application is the effect of the amendments, having regard to the previously permitted scheme, upon the character and appearance of the area and the amenities of neighbouring properties.

It is important to stress that while representations have been made regarding access steps (the consultation response from Technical Services also refers to the access steps) they are not part of the application and will be the subject of a separate application to be submitted in due course.

As previously proposed, the original design specification for this reach focused on raising the existing alignment along a public footpath. The height of the path was to be raised by 170mm to a design height of + 4.42m AOD to limit the flooding to extreme events.

It is understood that local residents and stakeholders raised concerns in relation to their boats, jetties, gardens and access during the works. In order to address these concerns, the contractor and the Environment Agency developed a new design with an emphasis on the following:

- Reducing impact on local residents and users;
- Allowing for vegetation and tree cover to be retained to act as screening to residents and reducing impact on reptiles;
- Jetties and access being undisturbed for the duration of the works;
- Minimising impact on existing services (UKPN, BT etc);
- Minimising disturbance to residential gardens, amenities and habitat;
- Reducing damage to boats from vibration and reducing levels of noise by removing the use of the vibro hammer and only using a Giken silent piler.

It is stated that the top level of the flood protection wall will remain the same height as the original solution; however, the steel sheet piles will have to extend a further 600mm in height, within the section of the flood protection wall, to enable Giken

construction. The alignment of the wall is moved just over half a metre to the landward side and its width increases from 0.4 to 0.8 metres. This allows the existing footpath to remain as previously the wall was located within the alignment of the footpath.

The relevant concerns in respect of the proposal appear to relate to the appearance of the wall from residents gardens in Ormonde Way. Supporting information has subsequently been submitted which shows the majority of the wall be clad with brick panels and it is only a relatively small section where the steel sheet pile will be visible. While regard should be had to the representations made, the appearance of the wall from the resident's side will have little impact upon public amenity and could be considered as a matter between the residents and the applicant. In any case, given the limited extent to which the sheet pile would be visible, to which it could open to residents to screen themselves if they saw it necessary, and in light of the acknowledged wider benefits of the scheme in preventing flood risk, it is not considered that a refusal or further amendment of the scheme could be justified.

It is apparent that the concerns of the houseboat owners in respect of this application appear to have been largely addressed and the opportunity to retain the footpath and use a quieter piling method while retaining the height of the wall as a flood defence appear to be welcome improvements. It is therefore considered that the application is acceptable.

Recommendation

GRANT permission

Subject to Conditions:-

Condition 24 as amended:

The development hereby permitted shall be implemented in accordance with the following approved plans:

Planning Drawing – Overview IMSO000648-MMC-01-XX-DR-C-1030 P01 received 5 September 2017

Drawing List IMSO000648-MMC-01-W5-DR-C-2900 P01.1 received 5 September 2017

Map of Existing Services IMSO000648-MMC-01-W5-DR-C-2913 P01.1 received 5 September 2017

Site Clearance & Demolition IMSO000648-MMC-01-W5-DR-C-2915 P01.1 received 5 September 2017

Reach Overview IMSO000648-MMC-01-W5-DR-C-2930 P01.1 received 5 September 2017

General Arrangement IMSO000648-MMC-01-W5-DR-C-2931 P01.1 received 5 September 2017

Typical Upstand Wall IMSO000648-MMC-01-W5-DR-C-2934 P01.1 received 5 September 2017

Stanchion Post Details IMSO000648-MMC-01-W5-DR-C-2936 P01.1 received 5 September 2017

Typical Upstand Wall Further Details IMSO000648-MMC-01-W5-DR-C-2937 P01.1 received 5 September 2017

18th December 2017

Local Government Act 1972

Background Papers:

As referred to in individual application reports

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Schedule of other matters

1.0 Council Priority

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
 - to promote a clean, green and sustainable environment
 - to support and improve the local economy
 - to work in partnerships to promote health and wellbeing in our communities
 - to ensure value for money and low Council Tax

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.